Minutes of the 84th meeting of the Board of the EHRC

3 July 2019, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX

Attending:

Commissioners
David Isaac, Chair
Suzanne Baxter
Alasdair Henderson
Susan Johnson
Helen Mahy
Lesley Sawers
Caroline Waters
Rebecca Hilsenrath, Chief Executive Officer

Officers
Christina Barnes, Senior Principal – Inquiries and Intelligence (item 12)
Melanie Field, Executive Director – Strategy and Policy and Wales
Tessa Griffiths, Director – Strategy and Governance
Charlie Hamilton, Principal – Policy (item 11)
Laura Lucking, Director – Compliance (item 12)
Richard Mabbitt, Senior Associate - Governance
Alasdair MacDonald, Director – Policy (item 13)
Callum MacInnes, Principal – Governance
Sarah Maclean, Director – Strategy and Governance
Olufemi Oguntunde, Director – Finance and Procurement
Alastair Pringle, Executive Director – Corporate Delivery
Ben Wilson, Executive Director – Corporate Improvement and Impact

Guests
Alison Parken, Interim Chair of EHRC Wales Committee
Charles Ramsden, Government Equalities Office
Bill Molloy, Civil Service Learning (item 7)

1. Chair's welcome

1.1 David Isaac welcomed attendees. He thanked Alison Parken, interim chair of the Wales Committee, for joining the meeting.

1.2 The meeting had been preceded by a meeting between the Board and Baroness Williams, Minister of State for Equalities. Discussions had included:

a) the ongoing Women and Equalities Select Committee inquiry into the enforcement of the Equality Act;
b) the consultation on a single labour market enforcement body;
c) improved sponsorship arrangements and effective partnership working arrangements; and

d) the new Equalities Hub within Cabinet Office.

2. Apologies for absence

2.1 Apologies had been received from Commissioners Swaran Singh and Pavita Cooper.

3. Declarations of interest

3.1 Suzanne Baxter asked for the minutes of the last meeting and the public register of interests to be amended to clarify that her role as independent external member of the Board of Pinsent Masons would operate independently from David Isaac, in his position as a Partner at the firm, and that he had not been involved in her appointment.

3.2 Caroline Waters declared that she had recently joined the Board of Trustees of the RSPCA.

3.3 Helen Mahy declared that a family member worked for the Care Quality Commission (CQC). To avoid the risk of any perception of bias in relation to engagement between the EHRC and the CQC in respect of the widely reported failures to protect the human rights of people with learning difficulties and autism at Whorlton Hall hospital, Helen Mahy would recuse herself from all discussion and decisions relating to that issue.

3.4 The published register of interests would be updated. **Action: Richard Mabbitt**

4. Minutes of the last meeting

4.1 The minutes of the 83rd Board meeting of 22 May 2019 (paper EHRC 84.01) were agreed as a true record subject to amendment (as per paragraph 3.1 above) and to the correction of the cross reference at paragraph 3.3 to "section 10".

5. Actions arising

5.1 The Board reviewed the log of actions arising from Board meetings (EHRC 83.02).

a) On the completed action 83/8.4 (initiating Anti-Semitism Investigation), Alasdair Henderson, as lead Commissioner, provided an oral update and would continue to keep the Board abreast of developments.

b) On action 82/9.4 (Independent Living), Alasdair Henderson, as Chair of the Commissioner Working Group on Treaty Monitoring, reported that the Group had discussed the draft strategy paper on Independent Living at its meeting of 26 June. The paper had been well received and officers had taken away feedback on engagement on this issue with

the Department for Health and Social Care and with private social care providers.

c) On Action 82.5.5 (Campbell Tickell Review of Statutory Committee Effectiveness), the Chair and Statutory Committee Chairs were seeking to diarise a meeting to finalise next steps.

d) On action 80/7.3 (England Strategy), Caroline Waters reported that around 100 people and organisations had joined the network and officers were working on next steps.

e) On action 82/10.10 (Assisted Dying), Melanie Field reported that no further cases had been brought. Counsel's opinion had now been sought and the Commission was seeking clarification on some points.

5.2 Other items were noted as complete, in hand or to be addressed under later agenda items.

6. CEO's update

CEO's update on strategic issues (paper EHRC 84.03 refers)

6.1 The Board reviewed the update and discussed a number of high profile issues where the Commission had been asked to intervene. These included:

a) Allegations of Islamophobia in the Conservative Party, which had been given further prominence in the current party leadership contest debates. The Commission had responded to formal complaints it had received and, following a request for more information from the Conservative Party, additional information was being assessed by the legal team.
b) A request to investigate the deaths of social security claimants who had died after being found fit for work or who had PIP refused or reduced. The Commission had responded to state that it was assessing the information provided to determine whether any action should be taken, and to offer a meeting.
c) A request from the Work and Pensions Select Committee to instigate an inquiry into the two child limit on child benefits, specifically in relation to potential religious discrimination. After consideration by the Prioritisation Group, it had been determined that this fell outside the Commission's current strategic priorities. Given the Commission's previous interventions, it was not at this time in a position to undertake an Inquiry.

6.2 Board members noted that such requests were increasing and were likely further to drive up demands on the Commission. Given that the Commission needed to make difficult prioritisation decisions within its available resources, the Board was keen that to ensure that responses were constructive and, where possible, explained what the Commission was doing or could do, when specific requests (particularly for Inquiries or Investigations) could not be met.

6.3 The Board noted the other current and emerging issues flagged in the report with no further comments.

6.4 Additionally it was noted that:

a) Discussions had been held with PA Consulting on the potential role for OfCom on regulating online issues and the opportunities for sharing the Commission's learning here.
b) Gender recognition should be added to the log of topical issues. Board members acknowledged the live debate on this topic in Scotland.
c) The Commission had recently been collating monthly reports of its enforcement activity for the purposes of informing the WEC Inquiry. These reports would now also be routinely be shared with the Board.
d) The Prioritisation Group's agreement in principal, following counsel's advice, that the Commission should commence action under S30 (Judicial Review) against the DHSC, NHS England and the CQC in relation to Whorlton Hall. Melanie Field reported that the Prioritisation Group had assessed the level of resource required and that sufficient resources were available should this course of action be progressed.

6.5 David Isaac thanked officers and asked for the Board's feedback to be reflected in future iterations of the report: **Action Rebecca Hilsenrath**

Finance and Performance Report (paper EHRC 84.04 refers)

6.6 Board members discussed the current delivery budget profile for the year. They noted that:

a) There had been a tendency in the past to back-load to the last quarter of the year, which had increased the risk of delivery and spend not being achieved in year. The Board acknowledged that efforts had been made to reduce this, and that additional scrutiny had been given to activity proposed for 2019-20 Q4, but asked that this be kept under continuous review.
b) The management information presented needed further context. They asked that future reports should include the full budget as well as the delivery component of total spend.

6.7 Board members discussed the recruitment timeline appended to the report. They felt that a number of the post that needed to be filled were substantial, delivery-critical roles. The Commission needed to think about the pipeline of new activities with this in mind: activities that were an extension or a rolling-forward of existing work would be less dependent on new staff.

6.8 Board members were pleased to note that a number of posts had been filled internally but noted the importance of retaining knowledge within teams and effectively filling the consequential vacancies. Board members noted the additional challenges of managing recruitment in the context of a gradual reduction in London staff, a likely scenario in the context of the expiry of the

current Fleetbank House lease in 2021 and given the Government policy on of property and workplace solutions. Board members asked for further clarity in the management information presented to them in respect of people data (including whether start dates were actual or aspirational). The Board asked for HRRC to review in more detail the management of the Commission's recruitment and the steps being taken by the Commission to reduce recruitment times. **Action: Joe Corcos**

6.9 Board members discussed the wider challenges of putting in place an effective pipeline of projects, the throughput of which could be regulated to achieve a full-budget spend. Board members emphasised the importance of substantive projects which stood up to scrutiny as impactful projects that aligned with the Commission's strategic priorities.

6.10 David Isaac thanked discussants and asked for the Board's feedback to be passed on to relevant officers for action and taken into account in future reporting to the Board. **Action: Ben Wilson**

2019 Spending review (paper EHRC 84.05 refers)

6.11 The Board discussed the likely 2019 Spending Review exercise. It was noted that HM Treasury was unlikely to initiate this before the summer recess because of the Conservative party leadership contest. The Commission had, however, in response to requests from Cabinet Office, submitted spending information and forecasts, which set out the EHRC's financial position to be considered as part of any 2019 Spending Review exercise.

6.12 Board members noted that:

a) The submission had set out that the Commission needed additional funding in the region of £3m to meet stakeholder requirements to increase the use of legal powers, as well as modelling the requested budget reductions.
b) Ongoing engagement with the Cabinet Office, including a challenge session, had resulted in positive feedback on the Commission's approach to delivering impact. Cabinet Office had been particularly interested in the Commission's current high profile investigations.
c) In the light of these conversations, the Commission had requested that protected status be considered in respect of its budget.
d) Contextual information had been provided on the substantial spending cuts and resulting restructures and refocussing the Commission had undergone in previous years, and on the Commission's past regional presence and current location strategy.
f) Melanie Field was heading an internal working group to oversee work on the funding review.

6.13 Board members:

a) acknowledged the uncertainty with regard to spending reviews, caused by the current political situation, and asked for ongoing reports on developments;
b) were keen that the Commission's approach to the spending review addressed potential duplication with government work (for example on pay gaps) and with other bodies' remits, including the Office for Disability Issues and the Race Disparity Unit, under the Cabinet Office Disability Hub;
c) asked that special attention be given to how the Commission might partner with, lead or secure wider impact through the new equalities hub and that the impacts of any new single labour market enforcement body were also factored in; and
d) were keen that the Commission's current programme / admin spend split was addressed, so that the Commission could deploy its resources as flexibly and effectively as possible.

6.14 David Isaac thanked members for their views, noting that the Board wished to remain fully engaged on spending review preparations and the need be mindful of the risks associated with reduced activity in the event of substantive cuts. He and Susan Johnson (as ARAC chair) would be kept aware of developments and emerging scenarios, with the Board being engaged at key decision points. **Action: Melanie Field to progress**

Accessible Website Regulations (paper EHRC 84.06 refers)

6.15 Further to its discussions at the 81st meeting (January 2019) the Board reviewed the renegotiated memorandum of understanding with the Government Digital Service on the enforcement of the Accessible Websites Regulations.

6.16 The Board was content with the draft memorandum subject to:

a) confirmation that resource implications could be revisited in future spending review discussions, as well as discussions related to the immediately forthcoming spending review; and
b) clarification on implications for Scotland being provided.

Action: Keith Ashcroft to progress

7. Delivery and Financial Management – lessons learned review

7.1 Bill Molloy joined the meeting to observe this item as part of his role working with the executive to help improve finance capability across the Commission. The Board welcomed his support and challenge role.

7.2 Ben Wilson introduced the report (EHRC 84.07) which had benefitted from input by ARAC, internal auditors and advice from Bill Molloy. Board members welcomed the efforts that the Commission was making to improve further its delivery and financial management. The Board:

a) was broadly content with the recommendations set out in the paper and noted that progress had already been made against some of them;
b) agreed that the approach taken to lessons learned should be a continuous improvement journey; and
c) agreed that progress against the recommendations should be reported to ARAC.

7.3 Additionally, the Board emphasised the importance of:

a) regular and contextualised data on the projected end-year position;
b) the wherewithal to track these numbers over time, rather than receiving 'snapshots of the position at a particular moment in time';
c) a 'single version of the truth' about what money has been spent and what was left to spend, so that the decisions made by different elements of the Commission's governance architecture were informed by consistent management information.

7.4 The Board felt that the principle of a precise target on underspend was flawed and that in future the Commission should make full use of its allocated Grant in aid in order to ensure effective delivery of its business plan and value for money for the taxpayer. The Board asked for assurance that strong budget management and assurance mechanisms were put in place. On recommendations LL7 and LL8, the Board asked that HRRC should commission a review of performance objectives and seek assurance that financial objectives had been adopted across the organisation.

7.5 The Board asked for better commentary on corrective action taken following Delivery Group scrutiny of projects, along the lines of: "what variance from budget was noted; what was the reason for this; what action was taken to address this; and what is the expected result?" The board felt that the primary assurance it required was that issues were being routinely identified and addressed. The aim was not necessarily to provide up-to-the minute written progress reports at the point of Board meetings. It asked for amendments to be made to Recommendation LL6 to reflect this.

7.6 The Board asked that recommendation LL10 be strengthened by the inclusion of training on project management principals and critical path and dependency thinking.

7.7 The Board asked that any updated LL strategy include an action point around clearly articulating the roles of the Board and the Executive including governance bodies like ARAC and the Delivery Group.

7.1 The Board emphasised the need to embed a stronger financial awareness culture across the organisation through the People Strategy. It felt the behavioural and cultural foundations of change needed to be brought out more explicitly in the report.

7.9 David Isaac thanked discussants. He asked for officers to update the paper in line with the Board's asks and report progress against the recommendations to the Board via ARAC. **Action: Ben Wilson; Alastair Pringle; Olufemi Oguntunde; Joe Corcos (with HRRC)**

8. Committee / CWG chairs and Commissioners reports

8.1 Alison Parken reported on behalf of the **Wales Committee**. The Committee had met on 16 May with discussions including ongoing Committee budgeting. She had met with the Deputy Minister Jane Hutt and discussed the Commission's Inquiry into the Criminal Justice System. The Commission was organising a symposium on the Public Sector Equality Duty on 11 July, which the Deputy Minister would attend. The Committee's next informal meeting (25 July) would discuss the Committee's approach to stakeholder engagement in line with the Commission's priority aims.

8.2 Lesley Sawers reported continued improvements in the phasing of matters brought to **Scotland Committee** for advice. She had held productive meetings with David Isaac and the First Minister, and with Rebecca Hilsenrath and the Scottish Government's Equalities Minister. She flagged that the links between data and human rights was a growing issue in Scotland and that there were calls for EHRC to have a more prominent role here. Gender identity remained a topic of much heated discussion particularly around single sex services, where the Commission was seeking primarily to clarify the law and provide guidance.

8.3 **ARAC**'s recent discussions had been covered under items 6 and 7 and its discussion of the Annual Report and Accounts would be covered under item 9.

8.4 **DAC** would meet on 17 July and HRRC would meet on 18 July. Reports from these Committees would be provided to the Board in due course.

8.5 Suzanne Baxter, as lead Commissioner, reported good progress on the **BBC Investigation**. The investigation team was receiving and processing evidence, and had contracted a third party specialist to review the equal pay data submitted. It was anticipated that the investigation itself would be completed by the end of the calendar year but, at this point, there was then a separate timescale for response by the BBC and further actions arising. The Board:

a) asked officers to ensure there was clarity on the published delivery dates;
b) noted that, as with any S20 Investigation, the volume and quality and content of evidence submitted presented a number of unknowns and acknowledged the need for caution in issuing interim communications regarding the Investigation.

Suzanne Baxter would provide further updates on an 'as needs' basis.

8.6 Alasdair Henderson reported on proceedings of the **Commissioner Working Group on Treaty Monitoring** of 25 May 2019. He noted that:

a) The UN Committee against Torture's concluding observations on the UK (17 May 2019) reflected 71% of the Commission's concerns, including its advocacy priorities in the areas of immigration detention, youth justice and the use of restraint. The Commission's recommendations relating to the ill-treatment of people in healthcare settings had not been adopted. Officers were seeking clarification for this, but it had been noted that this recommendation could also be addressed by the Committee on Rights of People with Disabilities. The Commission would continue to highlight its concerns in this area with UN Treaty bodies.

b) The Group had discussed the draft strategy paper on Independent Living. The paper was well received by Commissioners, who had also highlighted to officers the need to engage closely with the Department for Health and Social Care, and to consider engaging with private social care providers on this issue.

8.7 The Board agreed that Caroline Waters should join the Group, following the departure from the Commission of Group member June Milligan.

8.8 Minutes of recent Committee and Working Group meetings continued to be circulated to Board when approved by respective chairs.

9. Strategic risk register

9.1 Rebecca Hilsenrath introduced the new Strategic Risk register (EHRC 84.08), which had been developed alongside the Commission's Strategic Plan.

9.2 The Strategic risk register, at the Board's steer, was now more reflective of the strategic plan, and supported a 'golden thread' connecting strategic objectives with strategic risks, through to KPIs and operational risks. The new Strategic Risk register was more action-focussed and reduced the volume of contextual commentary.

9.3 Board members discussed the spending review. While responses from Cabinet Office to the Commission's initial submission had been positive, Board members raised concerns that the breadth of the Commission's work and relationships with other agencies might not fully be understood and be taken into account. The Board also felt there was a risk that the Commission's remit could be narrowed into legal enforcement, with its other work diverted to other agencies that would deliver less effectively. The Board asked for time at its September meeting to reflect on this further, the risks and opportunities this presented. The Board felt given the uncertainty of the funding review settlement and the wider political context, the Commission should consider a wide range of scenarios.

9.4 The Board asked for further assurance on the management of operational risks and a 'map' of risk management. It was noted that operational risk management was routinely reviewed at ARAC meetings.

9.5 The Board felt that a conversation on risk appetite would be timely and asked for this to be considered as a future Board agenda item, in line with ARAC's schedule. **Action: Ben Wilson**

9.6 In managing resource and reputational risks related to legal enforcement, the Board highlighted the importance of clarity of purpose and expectation management. It acknowledged the purpose of S20 investigations was to identify an unlawful act, and that with unlawfulness not known in advance there were inevitable unknowns. The Board asked for continuing diligence in identifying areas for Investigation.

9.7 The Board:

a) was content with the structure of the risk register and the risks and mitigations it recorded;
b) asked for the additional points it had raised under this item, and in the meeting as a whole, to be taken on board in ongoing risk management and duly reflected in future iterations of the strategic risk register;
c) asked for further discussion of risk appetite in the context of the changing political and administrative landscape; and
d) asked for a continued push by executive leaders on effective risk management, and embedding risk thinking in the Commission's working culture.

10. Annual Report and Accounts

10.1 Susan Johnson, as ARAC chair, briefed the Board on the Commission's Annual Report and Accounts (EHRC 84.09A); the NAO audit completion report (EHRC 84.09B); and the ARAC annual report (EHRC 84.09C). Minutes of the June ARAC meeting, at which the Annual Report and Accounts had been scrutinised (including by the two new independent members of ARAC), had also been made available to Board members.

10.2 No substantive concerns had been raised in the audit process. NAO had acknowledged that full resolution of the outstanding CREPLAS issue (dating from the Legacy Commissions) was largely out of the Commission's hands, and that the present accounting treatment of this by the Commission was appropriate. It was noted that further discussions with Cabinet Office had moved the issue closer to resolution and a further meeting with officials in September was likely to close the issue.

10.3. No further comments were received from Board members, and the Board looked forward to Ministerial and NAO sign-off in advance of the Summer Recess. David Isaac thanked ARAC members and staff across the Commission for their efforts in seeing through the Annual report and accounts.

11. Strengthening domestic protection of human rights

11.1 Further to the Board's discussion at the previous meeting, where a broad policy position had been agreed, Alasdair Henderson fed back on the Commissioner Working Group on Treaty Monitoring's (EHRC 84.10) further consideration.

11.2 The Group had discussed with officers:

a) the tailoring of the Commission's approach in England, Wales and Scotland, taking advantage of the different circumstances and opportunities in each nation and, in the case of Scotland, having in mind the role of the Scottish Human Rights Commission;
b) the challenges around incorporating socio-economic rights, the need to manage expectations, and the opportunity of learning from the experience in Scotland;
c) the need to manage risks around unintended consequences of incorporation and definitional issues around certain rights;
d) the context of Brexit, including whether the EU Charter on Fundamental Rights might be lost and, were it to be, whether this could justify the Commission's arguments about incorporation becoming more vocal;
e) the importance of making the effects of incorporation meaningful to stakeholders, learning the lessons from how the Human Rights Act has been perceived;

and the Human Rights Monitoring and Policy teams were taking this forward.

11.3 The Board reflected further. It asked for officers also to have in mind:

a) wider public misperceptions about human rights and the protections they afforded, building on the Commission's stakeholder segmentation work in this area;
b) the need to avoid conflating positive actions taken in the context of Brexit with implicit support for Brexit itself; and
c) that while most protections set out in the Charter were listed elsewhere, its potential loss would further open the space for these protections to be questioned.

11.4 Overall, the Board remained content with how incorporation was being taken forward. It asked that:

a) Alasdair Henderson attend the forthcoming annual meeting between the Scotland Committee and the SHRC (**Action: Lesley Sawers and Alasdair Henderson**).
b) A future discussion be scheduled on the legal framework post-Brexit and the Commission's role within it (**Action: Melanie Field**).

12. Inquiries – strategic approach

12.1 Laura Lucking and Christina Barnes joined the meeting and spoke to paper EHRC 84.11, which briefed the Board on the of the range and scope of the Commission's Inquiry powers; when and why Inquiries can be held; and the Commission's historical approach. It was felt that the Commission could do more to maximise the impact of inquiries and follow-up activity in the future, and this was an opportunity for the Board to provide an early strategic steer.

12.2 The Board supported:

a) The increase in Inquiry activity. It felt that this power had been underused in the past, but that the Commission was now much better placed to be more proactive here.
b) A more flexible, responsive and innovative approach in future that, where appropriate, took a lighter touch approach in the interest of delivering at pace.
c) The principle of using the Commission's powers in a coordinated way to deliver impact. A more transparent approach, with Inquiry criteria that were meaningful to stakeholders.
d) Using Inquiries for purposes beyond gathering robust evidence.

12.3 The Board additionally:

a) Noted the importance of clear criteria for deciding when Inquiries should be initiated.
b) Agreed that inquiries were a powerful tool: the Commission should be bold in using the power to compel evidence and should be open to using inquiries to prove a negative e.g. a lack of action/evidence.
c) Acknowledged that the higher the profile of Inquiries and the more impact that was demonstrated, the more likely would be calls for the Commission to use this power.
d) Felt that the scope for Inquiries to contribute to the Commission's strategic aims, would be enhanced by the Commission's increasingly focused and integrated ways of working.

12.4 The Board was content with the forward plan for Inquiries. An Inquiry on Restraint would be initiated in year, in addition to the current Inquiries into Racism in Higher Education and into the Treatment of disabled people in the Criminal Justice system. Inquiries into reasonable adjustments in education; recruitment practices; and accessible transport were being scoped. It felt that forward planning should not inhibit responsiveness, and that the Board could usefully add intelligence and pace here.

12.5 The Board was keen that Inquiries were reviewed systematically, including analysing why recommendations were not taken forward and how, if necessary, other actions might be taken to catalyse change.

12.6 It was noted that statutory public inquiries in general were at risk of failing to deliver to high (or misplaced) expectations being announced. Board felt that

the Commission should be bold about using Inquiries on the more publicly contentious issues it had to deal with. Early engagement with stakeholders was crucial, to manage expectations from the outset, and the Commission's status meant it was well-placed to navigate polarised views from a position of informed neutrality to a thought-through position.

12.7 The Board noted the power and impact of public hearings (and the logistical and presentational risks they presented) and asked that the merits of a public facing element be considered in scoping future inquiries.

12.8 The Board highlighted the importance of working effectively with Regulators, Inspectorates and Ombudsmen, noting WECs recommendations about better joint working. They cited the potential for building on the evidence base that such bodies, and others, might already have generated. The Board further reflected on the value of different types of evidence that Inquiries might take advantage of and that working on more narrow evidence bases was a reasonable approach as long as it was clear from the outset that that was the Commission's intention.

12.9 The Board supported the approach presented, asked for its comments to be taken into account, and for updates, with regular progress reviews (six to nine months). **Action: Laura Lucking**.

13. Pay gaps

13.1 Alasdair MacDonald presented on the Commission's approach to gender pay gaps and proposed approach to future work in this area (EHRC 84.12 refers).

13.2 Board members noted that the Commission had developed an effective approach to enforcement under the pay gaps regulations within the limitation of its powers. In parallel, based on its pay gap strategy, it was carrying out ongoing policy and influencing work, recognising that downstream enforcement was unlikely of itself to drive real changes. Board members noted that the Commission had refined its approach to enforcement, learning from the first year in which the regulations were in force. Five Terms of reference had been issued this year, with four organisations actively responding, and a second year of 100% reporting was anticipated. The actual annual reduction in pay gap, not unexpectedly, was small.

13.3 The Board noted a number of the Commission's Pay Gap strategy recommendations would be addressed by the recently published GEO Gender Equality Strategy. It was it was important that work by the two bodies here was complementary and, learning from the initial year of pay gap regulations enforcement, that resources were apportioned in an appropriate way. The Board was pleased that good communications and effective working relationships had been established with GEO here and felt that the new equalities hub in Cabinet Office provided the potential to reinforce timely reporting by public sector bodies. Board members noted that the BEIS response to its consultation on ethnicity pay gap reporting was likely to be published shortly.

13.4 The Commission's new PSED strategy and review of specific duties were also an opportunity to focus on GPG in the public sector. It was noted that the Welsh duties required contract type and grade to be factored into pay gap calculations, to help employers better target remedial; action if necessary. Given the disparities on full time and part time work between genders it was important that this was taken into account.

13.5 Board members reflected on the challenges of calibrating and contextualising different pay gaps (ethnicity, disability etc.) given their non-binary nature and that ethnicity and disability information was voluntary disclosed to employers. Board members noted the importance of clear and common definitions, including how to factor in flexible working. They suggested messaging that a good employer understood the nature of its workforce and the importance of making people feel safe about sharing diversity data.

13.6 Board members noted the potential impact of compulsory pay action plans. They felt the Commission should seek to learn what actions work best in which contexts, share best practice and support employers on how they can make changes.

13.7 Board members noted the totemic value of annual gender pay gap reporting, it provided an annual opportunity for the Commission to highlight its wider work around gender, maternity, flexible working and related matters.

13.8 David Isaac thanked officers. He asked for a further report back on the Commission's pay gap work, including how the Commission was working with GEO and the new Equalities hub. (**Action: Alasdair MacDonald**).

14. Any Other Business

14.1 With no other items of business being raised David Isaac thanked attendees and closed the meeting. The Board would next meet as part of the away day with senior officers planned for 11-12 September 2019.